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MAY 18 2015

OFFICE OF GENERAL COUNSEL

IN THE CIRCUIT COURT FOR HAWKINS COUNTY
AT ROGERSVILLE, TENNESSEE

JOE J. DIPASQUALE and wife,
BRENDA G. DIPASQUALE

Plaintiff

vs.

THE MAIN STREET AMERICA GROUP

Defendant

No. CC-15-CV-59

NOTICE

TO: The Main Street America Group
c/o Registered Agent, Bruce R. Fox
4601 Touchton Road East
Jacksonville, FL 32246

This is to notify you that you are a defendant in a lawsuit as shown by copy of the summons and *Complaint* enclosed herein. Service is being perfected upon you pursuant to Rule 4.04 (12) of the Tennessee Rules of Civil Procedure allowing service by mail on a defendant.

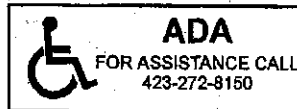
You have thirty (30) days within which to retain counsel and file an answer. If no answer is filed within thirty (30) days, then default judgment may be entered against you for the relief plaintiff seeks.

Please take notice of the above and govern yourself accordingly.



Hawkins County, TN	CIVIL SUMMONS Page 1 of 1	Case Number CC-15-CV-59
JOE J. DIPASQUALE et al XXXXXXXXXXXXXXXXXXXX		VS
		THE MAIN STREET AMERICA GROUP

Serve On: The Main Street America Group
c/o Registered Agent Bruce R. Fox
4601 Touchton Road East
Jacksonville, FL 32246



You are hereby summoned to defend a civil action filed against you in Circuit Court, Hawkins County, Tennessee. Your defense must be made within thirty (30) days from the date this summons is served upon you. You are directed to file your defense with the clerk of the court and send a copy to the plaintiff's attorney at the address listed below. If you fail to defend this action by the below date, judgment by default can be rendered against you for the relief sought in the complaint.

Issued: 4/29/15

[Signature]
Clerk / Deputy Clerk

Attorney for Plaintiff: DANIEL G. BOYD (423) 272-3619
P.O. Box 298
Rogersville, TN 37857

NOTICE OF PERSONAL PROPERTY EXEMPTION

TO THE DEFENDANT(S): Tennessee law provides a four thousand dollar (\$4000) debtor's equity interest personal property exemption. If a judgment should be entered against you in this action and you wish to claim property as exempt, you must file a written list, under oath, of the items you wish to claim as exempt with the clerk of the court. The list may be filed at any time and may be changed by you thereafter as necessary; however, unless it is filed before the judgment becomes final, it will not be effective as to any execution or seizure of property issued prior to the filing of this list. Certain items are automatically exempt by law and do not need to be listed; these include items of personal apparel (clothing) for yourself and your family and trunks of other receptacles necessary to contain such apparel, family portraits, the family Bible and school books. Should any of these items be seized you would have the right to recover them. If you do not understand your exemption rights or how to exercise it, you may wish to seek counsel of a lawyer. Please state file number on list.

Randall Collier
 I, Sarah L. Davis, Circuit Court Clerk of Hawkins County, do certify this to be a true and correct copy of the original summons issued in this case.

Date: _____

Clerk / Deputy Clerk

OFFICER'S RETURN: Please execute this summons and make your return within ninety (90) days of issuance as provided by law.

- ☐ Delivering the Summons to the person named herein
☐ Unable to serve because _____
☐ Not to be located in Hawkins County

Date: _____ Sheriff / D.S. / Constable

RETURN ON SERVICE OF SUMMONS BY MAIL: I hereby certify and return that on _____ I sent, postage prepaid, by registered return receipt mail or certified return receipt mail, a certified copy of the summons and a copy of the complaint in the above styled case, to the defendant _____. On _____ I received the return receipt, which had been signed by _____ on _____. The return receipt is attached to this original summons to be filed by the Court Clerk.

Date: _____ Notary Public / Deputy Clerk (Comm. Expires _____)

Signature of Plaintiff

Plaintiff's Attorney (or Person Authorized to Serve Process)

(Attach return receipt)

IN THE CIRCUIT COURT FOR HAWKINS COUNTY
AT ROGERSVILLE, TENNESSEE

**JOE J. DIPASQUALE and wife,
BRENDA G. DIPASQUALE**

Plaintiff

vs.

THE MAIN STREET AMERICA GROUP

Defendant

JURY DEMANDED

No. **CC-15-CV-59**
(B B)

FILED
2015 APR 29 AM 9:43
RANDALL L. COLLIER
CLERK OF COURTS

COMPLAINT

1. Plaintiffs are citizens and residents of the State of Florida with their principal place of residence of 300 Citrus Avenue, Daytona, Florida. Plaintiffs, however, own property within Hawkins County located at 155 C Moore Road, Mooresburg, Tennessee. The property located in Hawkins County is the subject matter of this action.

2. Defendant is a foreign insurance company doing business in the State of Tennessee for the purposes of providing insurance to citizens and residents of the State of Tennessee and has designated as its agent for service of process the Commissioner of Insurance of the State of Tennessee. Defendant's principal office is 4601 Touchton Road East, Jacksonville, Florida, 32246. Defendant's registered agent for service of process is Bruce R. Fox, 4601 Touchton Road East, Suite 3400, Jacksonville, Florida, 32246.

3. Defendant issued to Plaintiffs a homeowner's insurance policy covering theft and vandalism. The policy number is 51T2776C.

4. Plaintiffs aver on or about August 4, 2013, Plaintiffs' property located in Mooresburg was vandalized, burglarized, and personal property was stolen.

STATE OF TENNESSEE, HAWKINS COUNTY
I, RANDALL L. COLLIER, Clerk of the (Circuit)(Sessions)(Criminal)
(Juvenile) Court, do hereby certify that the foregoing is a true and
correct copy of the original complaint
in the above-styled case, as the same appears of record on file
in my office.
WITNESS, my hand and official seal of office, in Rogersville,
Tennessee, this 29 April 2015

5. Plaintiffs charge and aver they filed three (3) separate proofs of loss with Defendant, plus an interview, and Defendant has refused to pay Plaintiffs' claim.

6. Plaintiffs have cooperated with all requests by Defendant to comply with the insurance policy issued by Defendant to Plaintiffs.

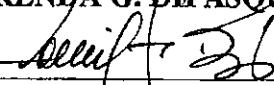
7. Plaintiffs have sustained losses and damages due to the burglary and theft, which Defendant has failed to cover under the terms of the policy, though demand has been made in accordance with the policy and statutory requirements. Defendant is, therefore, guilty of bad faith.

8. Plaintiffs allege they are entitled to 25% penalty for bad faith refusal to settle pursuant to Tennessee Code Annotated § 56-7-105 and 12.5% penalty for recovery of attorney's fees pursuant to Tennessee Code Annotated § 56-7-105.

WHEREFORE, PLAINTIFFS DEMAND AS FOLLOWS:

1. Damages in the amount of \$74,999.00, including penalty for bad faith penalties and attorney's fees;
2. A jury trial;
3. For general relief.

**JOE J. DIPASQUALE and wife,
BRENDA G. DIPASQUALE**



DANIEL G. BOYD [B.P.R. # 022448]
Attorney for Plaintiffs
BOYD & BOYD
115 East Main Street
P.O. Box 298
Rogersville, Tennessee 37857
(423) 272-3619